



TOWN OF UNDERHILL

Development Review Board

KEITH & TARA CARTER
SKETCH PLAN REVIEW
Docket #: DRB-19-09

Applicant(s):	Keith & Tara Carter
Consultant(s):	Carroll Peters (Valley Land Services)
Property Location:	39 Hobart Hill Road, Underhill, VT 05489
Acreage:	±60.41 Acres
Zoning District(s):	Rural Residential and Soil & Water Conservation

Project Proposal:	Sketch Plan Review of Keith & Tara Cater for a proposed 2-Lot Subdivision of property located at the aforementioned address. The applicants have requested that the lot remaining as vacant lands be considered a “wood lot” in order to forgo a more in-depth review process.
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2018 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS RELEVANT REGULATIONS:

- Article II, Table 2.4 – Rural Residential (pg. 15)
 - Article II, Table 2.7 – Soil & Water Conservation District (pg. 24)
 - Article III, Section 3.2 – Access (pg. 30)
 - Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 38)
 - Article III, Section 3.9 – Nonconforming Structures (pg. 40)
 - Article III, Section 3.13 – Parking, Loading & Service Areas (pg. 44)
 - Article III, Section 3.17 – Source Protection Areas (pg. 55)
 - Article III, Section 3.18 – Steep Slopes (pg. 56)
 - Article III, Section 3.19 – Surface Waters & Wetlands (pg. 63)
 - Article III, Section 3.23 – Water Supply & Wastewater Systems (pg. 68)
 - Article VI – Flood Hazard Area Review (pg. 127)
 - Article VII, Section 7.2 – Applicability (pg. 139)
 - Article VII, Section 7.3 – Sketch Plan Review (pg. 141)
 - Article VIII – Subdivision Standards (pg. 150)
 - Appendix A – Underhill Road, Driveway & Trail Ordinance
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CONTENTS:

- a. Exhibit A - Carter Sketch Plan Review Staff Report
- b. Exhibit B - Carter (HB039) Sketch Plan Review Meeting Procedures
- c. Exhibit C - Application for Subdivision
- d. Exhibit D - Project Information

- e. Exhibit E - Certificate of Service
- f. Exhibit F - Subdivision Plan

COMMENTS/QUESTIONS

1. **SECTION 3.2 – ACCESS:** Both lots will fail to satisfy the frontage requirement; however, the frontage requirement can be waived in accordance with §§ 3.7.E.1 & 8.6.A.2 since Hobart Hill Road only serves three lots.
 2. **SECTION 3.2 – ACCESS:** The Board should ensure that the proposed vacant lot (“wood lot”) will have access, and therefore, require an access permit as part of the subdivision review process.
 3. **SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS:** The Applicants have been informed that they will need additional approved to further develop the lot in the future.
 4. **SECTION 8.8 – LEGAL REQUIREMENTS:** The Board should determine if the Applicants require a draft Road Maintenance Agreement prior to the Preliminary/Final Subdivision Review hearing.
 5. **SECTION 8.8 – LEGAL REQUIREMENTS:** The Applicants should submit draft deeds prior to the Preliminary/Final Subdivision Review hearing.
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STAFF FINDINGS OF RELEVANT SECTIONS

ARTICLE II – ZONING DISTRICTS



	Rural Residential	Soil & Water Conservation	Proposed Lot Lot 1 (SFD)	Proposed Lot Lot 2
Lot Size:	3.0 Acres	15.0 Acres	~30 Acres	~30 Acres
Frontage:	250 ft.	400 ft.	TBD	TBD
Setbacks:				
• Front West	30 ft.	30 ft.	TBD	TBD
• Side 1 North	50 ft.	75 ft.	TBD	TBD
• Side 2 South	50 ft.	75 ft.	TBD	TBD
• Rear West	50 ft.	75 ft.	TBD	TBD
Max. Building Coverage:	25%	7%	TBD	TBD
Max. Lot Coverage:	50%	10%	TBD	TBD
Maximum Height:	35 ft.	35 ft.	TBD	TBD

TABLE 2.4 – RURAL RESIDENTIAL**PG. 15**

Purpose Statement: Accommodate medium density development on land that has access to public roads where traditional development has taken place, where soil cover is thicker than on the hillside. The Rural Residential district allows for the continuation of existing commercial, residential, and public uses and to encourage future development, particularly along Route 15, Poker Hill Road and Irish Settlement Road that is compatible with these historic uses.

- The proposed subdivision will subdivide a ~60 Acre lot into two lots, which better conforms with medium density development.
- Both lots will be accessed from Hobart Hill Road, a private road that connects to Route 15 in Westford, Vermont.
- A single-family dwelling will exist on one of the proposed lots while the other lot will remain vacant – as a “wood lot.”

TABLE 2.7 – SOIL & WATER CONSERVATION**PG. 24**

Purpose Statement: This district includes significant headwater and aquifer recharge areas, unique and fragile natural areas, critical wildlife habitat, and mountainsides and ridges characterized by steep slopes and shallow soils. The purpose of this district is to protect Underhill’s more remote and inaccessible forested upland areas from fragmentation, development, and undue environmental disturbance, while allowing for the continuation of traditional uses such as forestry, outdoor recreation, and compatible development.

- The proposed subdivision will subdivide a ~60 Acre lot into two lots.
- Since the Applicant(s) are proposing this lot to be a “wood lot,” which contains the Soil & Water Conservation District, no immediate impact will occur to the land within this district at this time.

ARTICLE III – GENERAL REGULATIONS

SECTION 3.2 – ACCESS**PG. 30**

- The Applicants have advised that the intended property line will be essentially an extension of the existing right-of-way directly across the property.
 - Therefore, the intended access point (curb cut) to the vacant lot is expected to be immediately at the property line where Hobart Hill Road meets the property at the Westford/Underhill Townline.
- The Board should ensure that the proposed vacant lot (“wood lot”) will have access, and therefore, require an access permit as part of the subdivision review process, similar to the Curran subdivision application.
- Both lots will fail to satisfy the frontage requirement; however, the frontage requirement can be waived in accordance with §§ 3.7.E.1 & 8.6.A.2 since Hobart Hill Road only serves three lots (including the proposed subdivision).
- Both lots will have access via Hobart Hill Road, a private road with access to Vermont Route 15 in Westford, Vermont.

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS**PG. 38**

- One principal use/structure is anticipated for the lot retaining the existing house – a single-family dwelling, while the vacant lot is intended to remain as a “wood lot.”
 - The Applicants have been informed that they will need additional approved to further develop the lot in the future.

- Based on the configuration of the existing lot and Hobart Hill Road, both lots will fail to satisfy the frontage requirements of both the Rural Residential and Soil & Water Conservation Districts.
 - A frontage waiver for both lots will be required, which is allowed in accordance with §§ 3.7.E.1 & 8.6.A.2 since both lots will be accessed via a Shared Driveway that serves 3 lots.

SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

PG. 44

- The lot retaining the house presumably satisfies the parking requirement for a single-family dwelling – 2 parking spaces per dwelling.
- No parking requirement is provided in the ULUDR for a lot being retained as a “wood lot.”

SECTION 3.17 – SOURCE PROTECTION AREAS

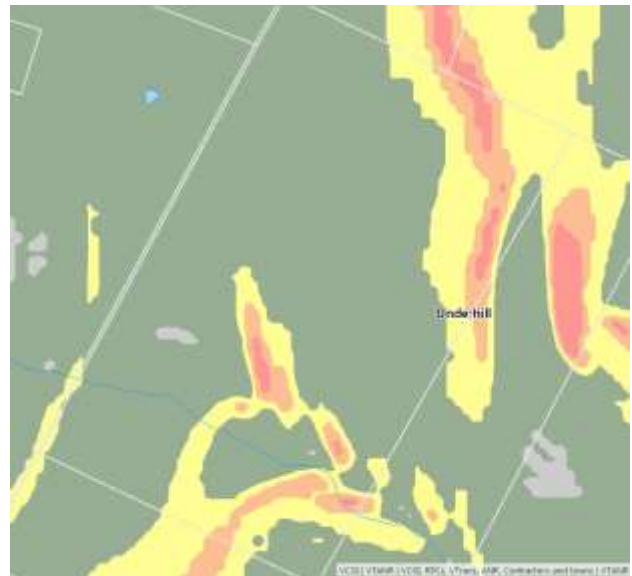
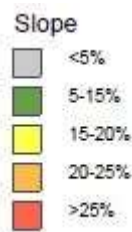
PG. 55

- The subject lot is not located within a Groundwater Source Protection Area.

SECTION 3.18 – STEEP SLOPES

PG. 56

- Areas of steep slopes (15-25%) are present on the existing lot (see directly to the right).
 - The existing house appears to be in an area of Steep Slopes (15-25%).
- While the second, vacant lot will remain as a “wood lot,” thereby deferring development at this time, there are areas on that lot that are outside of these steep slopes and very steep slopes, allowing for future development.



SECTION 3.19 – SURFACE WATERS & WETLANDS

PG. 63

- An unnamed stream will bisect the southern portion of the lot retaining the single-family dwelling in an east to west direction (see directly to the right) – 25 ft. Setback Requirement.
- No other surface waters are located on the existing property (see directly to the right).
- No Class II Wetlands have been identified on the existing property (see directly to the right).



SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS**PG. 68**

- The Applicants are not proposing to develop the second lot (vacant lot), and are proposing to retain that lot a “wood lot;” therefore, the obtainment of a Wastewater System & Potable Water Supply Permit does not appear to be required at this time.

ARTICLE VI – FLOOD HAZARD AREA REVIEW

- No Special Flood Hazard Areas were depicted on the existing lot according to the ANR Website; therefore, review of this section is not required.

ARTICLE VII – SUBDIVISION REVIEW

SECTION 7.2 – APPLICABILITY**PG. 139**

- The Applicants are proposing a 2-Lot subdivision that meets the requirements of Section 7.2.E.1.a.
- Staff recommends that the project be classified as a minor subdivision.

SECTION 7.3 – SKETCH PLAN REVIEW**PG. 141**

- See Exhibit B pertaining to the purpose statement for Sketch Plan Review.
- The Applicants have submitted the necessary materials for the Board to make a decision about the application.

ARTICLE VIII – SUBDIVISION STANDARDS

SECTION 8.1 – APPLICABILITYSECTION 8.1.B – REQUEST FOR MORE INFORMATION**PG. 150**

- Technical review is not required at this time.

SECTION 8.1.C – FINDINGS OF FACT**PG. 150**

- Findings of fact are not required at this stage of the subdivision review process.

SECTION 8.1.D – MODIFICATIONS & WAIVERS**PG. 150**

- The Applicants have not requested any additional modifications or waivers other than the frontage requirement waiver for both lots (in accordance with §§ 3.7.E.1 & 8.6.A.2) and the waiver of preliminary subdivision review.

SECTION 8.2 – GENERAL STANDARDSSECTION 8.2.A – DEVELOPMENT SUITABILITY**PG. 151**

- No unforeseen undue adverse impacts to the public health, safety or the character of the area in which the proposed development is located are anticipated.
- The Applicants have not expressed any intention of setting aside land as open space that would be excluded from subsequent development lands that periodically flood, have poor drainage, contain very steep slopes (>25%), or have other known hazards, or that is otherwise not suitable to support structures or infrastructure.

SECTION 8.2.B – DEVELOPMENT DENSITY**PG. 151**

- The proposed subdivision meets the density requirements of this Section.

SECTION 8.2.C – EXISTING SITE CONDITIONS**PG. 151**

- The proposed subdivision does not appear to be adverse to any of the existing site features or natural resources listed in this subsection.
- The Board will need to assess this subsection once the Applicants or their successors submit an application to further develop the vacant lot (“wood lot”).

SECTION 8.2.D – UNDERHILL TOWN PLAN & REGULATIONS

PG. 152

- The proposed project appears to conform to the *Underhill Town Plan* and the *Underhill Unified Land Use & Development Regulations*.

SECTION 8.2.E – DISTRICT SETTLEMENT PATTERNS

PG. 152

Rural Districts. Subdivisions within the Rural Residential, Water Conservation and Scenic Preservation Districts shall be designed and configured to reinforce the rural character and historic working landscape of these districts, characterized by forested hillsides and hilltops, open fields, and moderate to low densities of residential development interspersed with large contiguous tracts of undeveloped land. Lots shall be configured to maintain contiguous tracts of open land between adjoining parcels.

Soil & Water Conservation District. Subdivisions within the Soil & Water Conservation Districts shall be designed and configured to avoid undue adverse impacts to existing forest resources and environmental sensitive upland areas, including watersheds and significant wildlife habitat and travel corridors, and to maintain traditional land uses including forestry and outdoor recreation. To the extent physically feasible, fragmentation of productive forest lands and significant wildlife habitat shall be avoided, and lots shall be configured to maintain contiguous tracts to open land between adjoining parcels. Lots created for the purpose of constructing dwellings or other structures in this district shall not result in the development of environmentally sensitive areas identified in the town plan or through site investigation, as specified in Section 8.3.

- The proposed project appears to conform with the Rural Districts settlement patterns outlined in Section 8.2.E.1 (see directly to the left).
- The proposed lot that will contain the area of the Soil & Water Conservation District is proposed to remain vacant, and therefore, no adverse impact to this district is expected – at least at this point in time.
 - Additionally, the area of land contained in the Soil & Water Conservation District is largely comprised of steep slopes (15%-25%) & very steep slopes (>25%).

SECTION 8.2.F - LAYOUT

PG. 153

- The proposed subdivision conforms with the requirements of this section.
- The proposed layout of the subdivision is configured in a way that would allow for subsequent subdivisions should the landowners, or their successors, choose to subdivide.

SECTION 8.2.G – BUILDING ENVELOPES

PG. 153

- The Applicants have not identified a proposed building envelope, as the Applicants are not proposing any development for the proposed vacant lot (“wood lot”) at this time.

SECTION 8.2.H – SURVEY MONUMENTS

PG. 153

- No findings.

SECTION 8.2.I – LANDSCAPING & SCREENING

PG. 153

- No findings.

SECTION 8.2.J – ENERGY CONSERVATION

PG. 154

- No findings.

SECTION 8.3 – NATURAL CULTURAL RESOURCES

SECTION 8.3.A – RESOURCE IDENTIFICATION & PROTECTION

PG. 154

- No information pertaining to, nor has any identification relating to, significant cultural and natural features necessitating protection has been submitted for consideration.

SECTION 8.3.B – SURFACE WATERS, WETLANDS & FLOODPLAINS

PG. 155

- See Section 3.19 and Article VI above for more information.

SECTION 8.3.C – ROCK OUTCROPS, STEEP SLOPES, HILLSIDES & RIDGELINES

PG. 155

- See Section 3.18 above for more information.

SECTION 8.3.D – NATURAL AREAS & WILDLIFE HABITAT

PG. 156

- A priority level 4 habitat block is located on the existing lot (see directly to the right on the next page).
- Proposed development on the proposed vacant lot (“wood lot”) is not anticipated at this time.
 - If the proposed vacant lot (“wood lot”) is to be developed in the future, it will inevitably impact the existing habitat block.
- No Deer Wintering Yards have been identified on the lot.
- The ANR Biofinder has also identified the following priority characteristics:
 - Riparian Wildlife Connectivity (encompassing the unnamed stream);
 - Highest Priority Surface Water and Riparian Areas (encompassing the unnamed stream);
 - Priority Interior Forest Blocks (same area as the identified Forest Blocks to the right);
 - Highest Priority Connectivity Blocks (same area as the identified Forest Blocks to the right); and



- Representative Physical Landscapes;
(same area as the identified Forest
Blocks to the right.

SECTION 8.3.E – HISTORIC & CULTURAL RESOURCES

PG. 157

- Staff is unaware of any historic and cultural resources located on the existing lot.

SECTION 8.3.F – FARMLAND

PG. 157

- No areas of prime agricultural soils have been identified on the property.

SECTION 8.3.G - FORESTLAND

PG. 158

- The proposed property line will bisect an area of forest, which comprises almost the entire property.
- Should the vacant lot (“wood lot”) be developed in the future, the clearing of forest will be inevitable.

SECTION 8.4 – OPEN SPACE & COMMON LAND

SECTION 8.4.A – OPEN SPACE

PG. 159

- The applicants are not proposing to designate any land as open space.

SECTION 8.4.B – COMMON LAND

PG. 160

- The applicants are not proposing to designate any land as common land.

SECTION 8.4.C – LEGAL REQUIREMENTS

PG. 160

- No findings.

SECTION 8.5 – STORMWATER MANAGEMENT EROSION CONTROL

PG. 160

- No findings at this time.

SECTION 8.6 – TRANSPORTATION FACILITIES

SECTION 8.6.A – ACCESS & DRIVEWAY

PG. 162

- Both lots will be served by their own driveways, which will access a shared driveway where Hobart Hill Road meets the property at the Westford/Underhill Townline.
- Only the requirements from Sections 3.2 & 8.6.A apply (see above for more information as it relates to the *Underhill Unified Land Use & Development Regulations*). See Appendix A below for more information as it relates to the *Underhill Road, Driveway & Trail Ordinance*.

SECTION 8.6.B – DEVELOPMENT ROADS

PG. 164

- This subsection does not apply.

SECTION 8.6.C – PARKING FACILITIES

PG. 167

- This subsection does not apply.

SECTION 8.6.D – TRANSIT FACILITIES

PG. 167

- This subsection does not apply.

SECTION 8.6.E – PEDESTRIAN ACCESS

PG. 167

- This subsection does not apply.

SECTION 8.7 – PUBLIC FACILITIES & UTILITIES

SECTION 8.7.A – PUBLIC FACILITIES

PG. 168

- An undue burden on existing and/or planned public facilities is not anticipated.
- Comments from the Mt. Mansfield Union School District will be solicited during the Preliminary/Final Subdivision Review process.

SECTION 8.7.B – FIRE PROTECTION

PG. 168

- An undue burden on the Underhill-Jericho Fire Department is not anticipated.
- Comments from the Underhill-Jericho Fire Department will be solicited during the Preliminary/Final Subdivision Review process.

SECTION 8.7.C – WATER SYSTEMS

PG. 168

- See Section 3.23 Above.

SECTION 8.7.D – WASTEWATER SYSTEMS

PG. 169

- See Section 3.23 Above.

SECTION 8.7.D – UTILITIES

PG. 169

- No findings.

SECTION 8.8 – LEGAL REQUIREMENTS

PG. 170

- The Board should determine if the Applicants require a draft Road Maintenance Agreement prior to the Preliminary/Final Subdivision Review hearing.
- The Applicants should submit draft deeds prior to the Preliminary/Final Subdivision Review hearing.

APPENDIX A – ROAD & DRIVEWAY STANDARDS

- See Section 3.2 above regarding access.